

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Social Welfare Department - Appeal petition filed by Sri Pala Vasantha Babu S/o. Desaiah - against the Proceedings of the District Collector, Nellore District under Section 7(2) of Act 16/1993 – Appeal rejected – Orders – Issued.

SOCIAL WELFARE (CV-1) DEPARTMENT

G.O.Ms.No. 80

Dated: 09-07-2009.

Read the following:

1. Proceedings of the Collector, Nellore Dist., Lr. Rc.No.C5 (M) 8985/ 95, Dated: 21.06.2008.
2. Appeal of Sri Pala Vasantha Babu, S/o. Desaiah, Vidavalur (V & M), Nellore Dist., dt. 23.7.2008.
3. Memo No. 6383/C.V-1/2008-1, Dated: 20-08-2008.
4. From the District Collector & Magistrate, Nellore District Rc.C5 (M) 8985/95, Dated: 16-12-2008.
5. Letter. No. 6383/CV.1/2008-2, Dated: 01-06-2009.

ORDER:

The District Collector, Nellore District has cancelled the Scheduled Caste Budagajangm Certificate of Sri. Pala Vasantha Babu, S/o Desaiah duly declaring that the individual does not belongs to Budaga Jangam Scheduled Caste Community vide Lr. Rc.No.C5 (M) 8985/1995, Dated: 21.16.2008.

2. Aggrieved by the Collectors Proceedings, Sri. Pala Vasantha Babu, S/o Desaiah has filed an appeal petition before Government of Andhra Pradesh pleased to set aside the Proceedings of the District Collector & Magistrate, Nellore District vide Lr. Rc.No.C5 (M) 8985/1995, Dated: 21.16.2008 on the following grounds:

- a. The order of the District Collector, Nellore in passing Rc.C5 (M) 8985/1995, dt. 21.6.2008 is contrary to law, weight of evidence and probabilities of the case.
- b. The order of RDO, Kavali in regard to enquiry of caste status claim of appellant is not according to Law.
- c. The Dist. Collector, Nellore is against to the directions of the Hon`ble High Court orders in W.P.No.19083/1994.
- d. The Dist. Collector, Nellore ought to have seen that, the Revenue Divisional Officer, Kavali conducted open enquiry on 27.6.2003 at the appellant native place along with Mandal Revenue Officer and Revenue Inspector and enquire in all aspects and recorded statements and sent report to the Dist. Collector, Nellore stating that Mr. Pala Vasantha Babu belongs to Budaga Jangma of Scheduled Caste".
- e. Because of the orders of the District Collector, Nellore the appellant was dismissed from the service on 24.10.2007 by the APSRTC.
- f. The other grounds which were not raised will be argued at the time of hearing.

(P.T.O.,)

3. The Government admitted the appeal petition and obtained the parawise remarks and connected records from the District Collector & Magistrate, Nellore District vide 4th read above which are as follows:

- i) The District Collector, Nellore District has stated that Sri.Pala Vasantha Babu, S/o Desaiah, native of, H/o Musalareddygunta Vidavalur Village and Mandal has studied from 6th class up to Degree at Vidavaluru on the strength of Jangama (BC) caste. At the time of his appointment of Junior Assistant, O/o the Regional Manager, APSRTC, Nellore, he has obtained caste certificate from the then Tahsildar, Nellore as if he belongs to Budaga Jangama (SC) Community and submitted to the APSRTC authorities. The petitioner's native place is Musalareddygunta, H/o Vidavalur Village and Mandal. But the petitioner has hidden the above fact and obtained false Caste Certificate as he belongs to Budaga Jangama (SC) from the then Tahsildar, Nellore by misrepresenting the facts.
- ii) After due verification by the APSRTC authorities about the production of bogus Budaga Jangama (SC) Certificate by Sri.Pala Vasantha Babu, the matter was reported to the police and the Sub-Inspector of Police and referred the matter to the District Collector, Nellore for issue of necessary certificate for taking further action in the case.
- iii) The Revenue Divisional Officer enquired into the matter and reported that Sri. Pala Vasantha Babu belongs to Jangam but not Budga Jangam. The report of the RDO has been sent to the Regional Manager, APSRTC, Nellore for taking necessary action and complying the directions of the Hon'ble High Court of A.P. Hyderabad. After due process of procedure, Sri.Pala Vasantha Babu was dismissed from service.
- iv) The Collector also stated that based on different opinions of two Revenue Divisional Officers the DLSC has conducted detailed enquiry and examined the documentary evidences, oral evidence of the petitioner, reports of the then Revenue Divisional Officers' Kavali and the averments made by the applicant and other material available on record.
- v) In exercise of the powers conferred u/r 9(9) of the A.P. (SC, ST & BCs) Regulation of Issue of Community Certificate Rules, 1997 read with Sec.5 (1) of the Act 16 of 1993, the Budaga Jangama (SC) Caste Certificate bearing F. Dis. No.456/80, dated: 15-2-80 issued by the then Tahsildar, Nellore in favour of the petitioner is cancelled.

4. The case has been taken up for personal hearing before the appellate authority on 27-06-09 and the appellant present before appellate authority and explained his community status.

5. Government after careful examination of records and proceedings of the District Collector, Sri Potti Sriramulu Nellore District and grounds of the appellant, it is found that as per the records the appellant does not belongs to Budagajangam Scheduled Caste.

6. In view of the above and in exercise of the powers conferred under Section 7(2) of A.P.(SC,ST AND BC. Regulation of issue of community Certificates) Act 16 of 1993, the appeal petition filed by Sri.Pala Vasantha Babu, S/o Desaiah, is hereby rejected duly upholding the Proceedings of the district Collector, Nellore District. vide Lr. Rc.No.C5 (M) 8985/1995, Dated: 21.06.2008.

7. The records (containing 500 pages of total) received from the District Collector, Nellore District, through 4th read above, are returned herewith in original to him and he is requested to acknowledged receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Collector & District Magistrate,
Sri Potti Sriramulu Nellore District
(With original records)

Sri Pala Vasantha Babu, S/o. Desaiah,
Vidavalur (V&M), Nellore District.

Sri. M. Phani Kumar, Advocate,
H.No. 12-02-417/46/2,
Sharadanagar, Gudimalkapur,
Mehidipatnam, Hyderabad-28

Copy to:

P.S. to M (SW)
P.S. to Principal Secretary (SW)
SF/SC

//FORWARDED: BY ORDER//

SECTION OFFICER